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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,566

01/29/2004

Donald Lee Morrow

P06308US01 - PHI 1365

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06/14/2006

MCKEE, VOORHEES & SEASE, P.L.C.

ATTN: PIONEER HI-BRED

801 GRAND AVENUE, SUITE 3200

DES MOINES, IA 50309-2721

EXAMINER

KRUSE, DAVID H

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1638

### MISCELLANEOUS ACTION

1. Appellant's Brief on Appeal filed 29 March 2006 is acknowledged.
2. Prior to the Examiner's response, the Office is issuing the attached Request for Information under 37 CFR § 1.105 in order to determine whether or not prosecution of the instant application should be reopened.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached at (571) 272-0975. The central FAX number for official correspondence is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-1600.

**DAVID H. KRUSE, PH.D.  
PRIMARY EXAMINER**



David H. Kruse, Ph.D.  
31 May 2006

Art Unit: 1638

4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

***REQUEST FOR INFORMATION UNDER 37 CFR § 1.105***

1. Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. This request is being made for the following reasons:

Applicant is claiming a maize seed, and plant grown therefrom produced by crossing inbred maize line PH5DR with another inbred maize line, **but** the instant specification is silent about what starting materials and methods were used to produce inbred maize line PH5DR. The requested information is required to make a meaningful and complete search of the prior art.

3. In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) What were(are) the original parental maize lines used to produce inbred maize line PH5DR? Please supply all of the designations/denominations used for the original parental maize lines and inbred maize line PH5DR. Please supply information pertaining to the lineage of the original parental lines back to any publicly available varieties.

(ii) What method and method steps were used to produce inbred maize line PH5DR?

(iii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had any of said parental maize lines or progeny

Art Unit: 1638

therefrom been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said parental maize lines or progeny disclosed or made publicly available and from when to when?

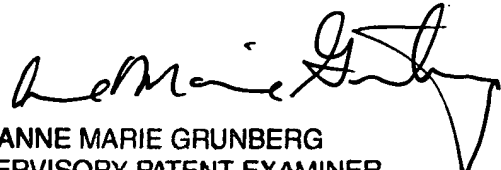
(iv) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, were any other maize lines produced by said method using said original parental maize lines, and if so, had said produced maize lines been publicly available or sold? If so, under what designation/denomination and under what conditions were said other maize lines disclosed or made publicly available and from when to when?

4. If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP § 724.02 when submitting the requested information.

5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. Please indicate where the relevant information can be found.

6. This requirement is subject to the provisions of 37 CFR §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

  
ANNE MARIE GRUNBERG  
SUPERVISORY PATENT EXAMINER